REMARKS

Claims 28-37 are pending in the present application. Claim 28, 33 and 37 were amended in this response to improve form. No new matter has been introduced as a result of the amendments.

Claim 28 was objected to for informalities regarding the term "data processing device." Applicant has amended claim 33 in this regard to maintain consistency of the claimed term. Withdrawal of the objection is earnestly requested.

Claim 29 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection. Claim 28, which Claim 29 is dependent upon, recites that

> the first signaling information is transmitted between the communication network and the data processing device through the interface with the assistance of signaling packets of the packet-switched communication network, and the second signaling information is transmitted between the communication network and the data processing device through the interface with the assistance of data packets of the packet-switched communication network.

Claim 29 recites that "the second signaling information is transmitted as part of signaling packets that do not contain any first signaling information." The claim recites an exemplary configuration where signaling information is transmitted as data in a data packet with signaling information of the packet-switching communications network. As a result, signaling information also can be transmitted using data packets for signaling control in the packet-switching communications network (see, e.g., specification page 7, lines 6-13). Applicant submits that the claim clearly recites an ascertainable configuration that meets the requirements of 35 U.S.C. §112. Withdrawal of the rejection is earnestly requested.

Claims 28, 30-33 and 36-37 were rejected under 35 U.S.C. §102(b) as being anticipated by Baratz et al. (US Patent 5,742,596). Claims 34-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baratz et al. (US Patent 5,742,596). Applicant respectfully traverses these rejections. Favorable reconsideration is earnestly requested.

The present amendments to claims 28 and 37 clarify that the "standard protocol" does not refer to any standard protocol in the abstract (such as the Novell protocol referenced in Baratz, col. 5, lines 39-42) but is a standard signaling protocols for telecommunications as supported by the present specification on page 2, lines 1-17 (e.g., H.225, Q.931, Q932, etc.). As such, the terminal device operates under two signaling protocols for two different types of telecommunications, which, by definition, use two protocol stacks for processing the two protocols (see specification page 15, lines 1-7). Accordingly, bits of signaling information, configured to a circuit-switched standard, are additionally transmitted in the packet-switched network up to the terminal of the packet-switched network, and a protocol stack for the circuit-switched signaling is added to the protocol stack for the packet-switched signaling for the processing of the bits of signaling information under the claimed configuration. As such, all performance features known from the circuit-switched networks can be determined instantly in the terminal of the packet-switched network

In contrast, Baratz discloses a terminal representing a conventional PC utilizing a Novell network protocol (col. 5, lines 39-42). For telecommunication, the PC is equipped with a telephone client module TCM (174), and bits of signaling information, which are fashioned according to a PBX telecommunications standard, are transmitted in packets to the telephone (col. 4, lines 35-48). The PC receives the packets in a customary manner and processes these according to the standard Novell protocol, and the signaling contained in the packets is removed and forwarded to the TCM 174 (col 5, lines 31-53; col 9, lines 42-67). In order to process the signaling, the TCM 174 has only one protocol stack which is exclusively reserved for processing the PBX protocol (col. 1, lines 65-67: "[i]t is an object of the present invention to provide an improved network based PBX system that integrates voice and data traffic within a single network infrastructure"). Furthermore, this is the only telecommunications protocol that is supported by the PC - an additional, packet-oriented telecommunications protocol is not supported within the teaching of Baratz. For at least these reasons, Applicant submits the rejections under 35 U.S.C. §102 and §103 are improper and should be withdrawn

In light of the above, Applicant submits that the present claims are allowable. Applicant also requests that a timely Notice of Allowance be issued in this case. Should there be any

additional charges regarding this application, the Examiner is hereby authorized to charge Deposit Account 02-1818 for any insufficiency of payment.

Respectfully submitted,

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